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HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc. Appeal No. 1351/2005

CORAM: Hon'ble Shri S.R. Nayak, Chief Justice &
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellants
Applicants

- : 1. Mus. Rajdulari Sharma, aged about 48 years, widow of Late Ashok Kumar Sharma.
- : 2. Ku. Shraddha Sharma, aged about 23 years, daughter of Late Ashok Kumar Sharma.

Both are resident Near Mahamaya Mandir, Distt. Raipur (C.G.), presently resident of - C/o. Krishna Murari Sharma, Old Power House, Torwa, Bilaspur, Distt. Bilaspur (C.G.)

Versus.

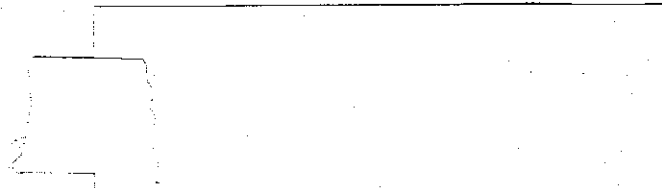
Respondents
Non-Applicants

- : 1. Amritlal Patel, son of Shri Ghasiyaram Ghasiya Ram Patel, r/o vill. Parsada, PO Patsheony, Gariyaband, Raipur (Owner of Hero Honda No. CG 04 CB 9035)
- : 2. Divisional Manager, The Oriental Insurance Co. Ltd. Through - the Divnl Manager, The Oriental Insurance Co. Ltd., In front of High Court, of Chhattisgarh, Bilaspur (Chhattisgarh)

Smt. Bhagawati Kashyap, Counsel for the appellants.

ORAL ORDER
(Passed on 13.2.2006)

The following oral order of the Court was passed by
S.R. NAYAK, C.J.



This is an appeal by the legal representatives of the deceased praying for more compensation. The contention is that as per the age entered in the driving licence issued to the deceased, which was shown as 54 years as on the date of accident whereas the Motor Accidents Claims Tribunal (M.A.C.T.) on the basis of the post-mortem report showing the age of the deceased as 55 years for the purpose of applying multiplier, wrongly determined the age of the deceased between 55 to 60 years. It was also contended that M.A.C.T. was not justified in awarding interest at the rate of 7.5% and it ought to have awarded interest at the rate of 9% per annum.

2. We do not find any merit in the contentions. We have perused the original records. It appears that the so-called driving licence of the deceased was not at all produced before the M.A.C.T. The post-mortem report shows the age of the deceased as 55 years. Therefore, the M.A.C.T. was justified in taking the age of the deceased between 55-60 years on the basis of the post-mortem report.

3. In recent years the interest rate both in this country and globally has been drastically reduced. The accident occurred in the year 2003, therefore, award of the interest at the rate of 7.5% per annum can not be said to be arbitrary.

4. There is no merit in the appeal. It is accordingly dismissed.

Sd/-
CHIEF JUSTICE

Sd/-
Dilip Raosaheb
Deshmukh
Judge

Anjani